

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES FITZGERALD,

Defendant.

No. CR 06-0074 RMW

**[PROPOSED] ORDER MODIFYING
BOND TO ALLOW DEFENDANT TO
MOVE TO SOBER LIVING
ENVIRONMENT**

Hon. Patricia V. Trumbull

Defendant James Fitzgerald has been residing with his grandfather, subject to electronic monitoring, since his positive drug test on October 4, 2006. Mr. Fitzgerald now moves the Court to allow him to relocate to a sober living environment ("SLE") in Salinas, California. The Court is informed that Pretrial Services and the U.S. Attorney's Office do not oppose the request.

GOOD CAUSE APPEARING, the Court HEREBY MODIFIES the defendant's release conditions to include the following:

- 1) The defendant shall reside at "Seven Suns Transitional Housing for Men" (hereinafter, "Seven Suns"), located at 8 Sun Street, Salinas, CA 93901.
- 2) The defendant shall pay all costs associated with his residence at Seven Suns.
- 3) The defendant shall comply with all rules of the facility and shall participate in

appropriate recovery programs offered by the facility, including weekly attendance at NA meetings.

4) The defendant shall continue with random drug testing and counseling through Pretrial Services.

5) The defendant shall abide by the daily schedule authorized by Seven Suns. The defendant is permitted to leave the facility for authorized purposes, including:

(a) work; (b) 12-step meetings; (c) drug testing and counseling through Pretrial Services; and (d) legal appointments and court appearances. *(e) and school as approved by*
In order to leave the facility for any other purpose, the defendant must obtain permission from Pretrial Services. *and abide by Seven Sun's curfew requirements. pvt*

6) The defendant shall not move from Seven Suns without prior approval of Pretrial Services, and shall not leave the facility overnight without prior approval of Pretrial Services.

7) The defendant shall remain employed, and if he becomes unemployed, shall seek employment.

8) The defendant's electronic monitoring condition is terminated.

IT IS SO ORDERED.

Dated: 1/19/07

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge